

Daya Kishan and anr. Vs. Balraj and ors.

Present: Mr.Vinod S. Bhardwaj, Advocate for the appellants.

Ms.Vandana Malhotra, Advocate,
for respondent No.3 – Reliance Gen. Ins. Co. Ltd.

Mr.Shakti Kaushik, Advocate,
for proforma respondents No.4 to 6.

* * * *

Vide order dated 06.09.2017, on behalf of the appellants, proposal was made to enhance compensation by ₹3,14,000/- over and above the amount awarded by the MACT in full and final settlement of the claim in this appeal and the matter was adjourned for concurrence of the respondent - Insurance Company.

Today, learned counsel for respondent No.3 – Insurance Company states that Company is agreeable to pay only an amount of ₹2,50,000/- and not ₹3,14,000/- over and above the amount awarded by the MACT. This counteroffer of ₹2,50,000/- has been accepted by learned counsel for the appellants, who has signed the statement.

Thus, as agreed, as per statements of learned counsel for the appellants and learned counsel for respondent No.3 - Insurance Company (separately recorded), a sum of ₹2,50,000/- (₹ Two Lac Fifty Thousand Only) over and above the amount awarded by the Tribunal is allowed to the appellants in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants, the enhanced amount be paid to appellants No.1 and 2, in equal shares.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit two crossed – cheques for ₹1,25,000/- each (in total ₹2,50,000/-) in the names of appellant No.1 – Daya Kishan and

Daily Lok Adalat

Bench No.2.

511

FAO No.6876 of 2010

-2-

appellant No.2 – Dara Singh both sons of Late Sh.Heera Lal with the office of the Lok Adalat of the High Court on or before 15.12.2017, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The concerned Officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheques to learned counsel/representative of the respondent – Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheques from the office of the Lok Adalat.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the Hon'ble High Court.

(R.K.Nehru)
President

(Ram Chand Gupta)
Member

27.10.2017
P.Seth